



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Akiko **TANAKA** et al.

Application No.: 09/964,240

Art Unit: 1654

Filed: **September 26, 2001**

Examiner: **TATE, C.**

For: **PINE CONE EXTRACTS AND USES THEREOF**

Conf. No.: **1854**

Attorney Docket: **3974.002**

Customer Number: **000041288**

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

Mail Stop Amendment

Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Christopher J. Kay, hereby states that he is an authorized representative acting on behalf of Tampa Bay Research Institute, the Owner of the entire right, title and interest of Application No. 09/964,240 filed on September 26, 2001, entitled "PINE CONE EXTRACTS AND USES THEREOF". The invention claimed in Application No. 09/964,240 (present), and the invention claimed in U.S. Patent No. 6,703,053 (other) were, at the time the present invention was made, owned by, or subject to an obligation of assignment to, the same entity.

Your Petitioner, Christopher J. Kay, hereby disclaims the terminal part of any patent granted on Application No. 09/964,240 (present) which would extend beyond the expiration date of U.S. Patent No. 6,703,053, and hereby agrees that any patent so granted on Application No. 09/964,240 (present) shall be enforceable only for and

U.S. Application No. 09/964,240
TERMINAL DISCLAIMER

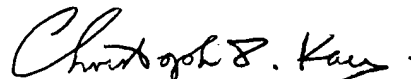
Attorney Docket No. 3974.002

during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,703,053, this agreement to run with any patent granted on Application No. 09/964,240 (present) and to be binding upon the grantee, its successors, or assigns.

I declare further that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful or false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Commissioner is hereby authorized to charge the appropriate fee of \$55 (Small Entity) under 37 C.F.R. § 1.20(d) to deposit account 16-0877.

Respectfully Submitted,



Christopher J. Kay
Registration No.: 44,820

PENDORF & CUTLIFF
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Dated: June 16, 2004

U.S. Application No. 09/964,240

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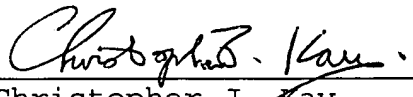
Attorney Docket No. 3974.002



CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

Hereby certify that the foregoing TERMINAL DISCLAIMER for U.S. Application No. 09/964,240 filed September 26, 2001, was deposited in first class U.S. mail, postage prepaid, addressed: Attn: Mail Stop Amendment, Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria VA 22313-1450, on **June 16, 2004**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Christopher J. Kay